

VILLAGE OF FONTANA ON GENEVA LAKE
WALWORTH COUNTY, WISCONSIN
(Official Minutes)

MONTHLY MEETING of the VILLAGE OF FONTANA PLAN COMMISSION

Monday, March 31, 2008

Chairman Spadoni called the monthly meeting of the Village of Fontana Plan Commission to order at 5:30 pm in the Village Hall, 175 Valley View Drive, Fontana, Wisconsin.

Plan Commissioners present: Poivey, D'Auria, O'Connell, President Pollitt, Lobdell, Spadoni

Pan Commissioner absent: McGreevy

Also present: Rose Marie Barrett, Steve Beers, Chad and Pam Carper, Administrator Kelly E. Hayden-Staggs, Village Clerk Dennis Martin, Assistant Zoning Administrator Bridget McCarthy, CDA Executive Director Joseph McHugh, Building Inspector Ron Nyman, Village Attorney Dale Thorpe, Director of Public Works Craig Workman

Visitors Heard

None

Announcements

Hayden-Staggs stated that the 2008 Spring Election and Village of Fontana Third Avenue Construction Project Referendum will be held Tuesday, April 1, 2008, with the polls open from 7:00 am to 8:00 pm; the monthly meeting of the CDA will be held Wednesday, April 2, 2008 at 6:00 pm; the monthly meeting of the Village Board will be held Monday, April 7, 2008 at 6:00 pm; the Fontana Public Library will host its Toddler Time program on Thursdays, April 10, 17 and 24, 2008 at 10:30 am; the Park Commission will host a Frisbee Golf Course cleanup day and demonstration event at the Duck Pond Recreation Area on Saturday, April 12, 2008 at 10:00 am; the newly elected Trustees will take office on Tuesday, April 15, 2008; the monthly meeting of the Park Commission will be held Wednesday, April 16, 2008, at 6:00 pm; the PSC Water Rate Increase Telephonic Hearing will be held at Village Hall on Friday, April 18, 2008 at 9:00 am; there will be a Board of Appeals hearing to consider the petition filed by Joseph Bidwill on Wednesday, April 23, 2008 at 4:00 pm; and the next monthly meeting of the Plan Commission with the Lakefront Zoning Ordinance amendment public hearing will be held Monday, April 28, 2008 at 5:30 pm.

Approve Minutes

O'Connell/Poivey 2nd made a MOTION to approve the minutes for the meeting held February 25, 2008, and the MOTION carried without negative vote.

Public Hearing

Conditional Use Permit Application Cricket Communications for 5-Foot Addition to Existing Tower on Property Owned by Robert Stewart, 202 W. Main Street, Fontana, WI 53125 in the M-3 ETZ District

Chairman Spadoni opened the public hearing at 5:32 pm. In response to questions from O'Connell, Rose Marie Barrett stated that the tower is the site for wireless telephone antennae. Barrett stated that her company is proposing a five-foot extension to the tower; however, the total height of the tower will be lower than 200 feet, so no lighting will be required. Thorpe stated that the proposal will require the applicant or property owner to obtain all the necessary FCC licenses. Spadoni stated that the Village staff report recommends approval with five conditions. Barrett stated that she is not

concerned with any of the suggested conditions for approval, which include:

1. A certified site plan and/or survey shall be submitted which accurately depicts the location of the existing tower on the parcel to determine zoning district.
2. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any antennas and/or cables. CUP approval shall not alleviate the applicant from securing all required permits.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. The approved CUP shall be maintained and operated subject to the following conditions:
 - a. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
 - b. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.
 - c. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.
 - d. Outside Storage: Outside storage of materials is prohibited.
 - e. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.
 - f. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.
 - g. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building and Zoning Department shall verify compliance with FAA regulations.
 - h. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have 30 days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven days to correct the problem.
5. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana.

Spadoni closed the public hearing at 5:37 pm

President Pollitt/Lobdell 2nd made a MOTION to recommend Village Board approval of the Conditional Use Permit application filed by Cricket Communications for a five-foot addition to the existing tower on the property owned by Robert Stewart, 202 W. Main Street, Fontana, WI in the M-3 ETZ District, with the following five conditions:

1. A certified site plan and/or survey shall be submitted which accurately depicts the location of the existing tower on the parcel to determine zoning district.
2. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any antennas and/or cables. CUP approval shall not alleviate the applicant from securing all required permits.
3. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.
4. The approved CUP shall be maintained and operated subject to the following conditions:
 - A. Screening: All shelters and other equipment shall be screened from all public right-of-ways and residential use properties.
 - B. Fencing: Properly maintained fencing shall encompass the tower and electronic shelters.

C. Lighting: Exterior lighting shall be limited to security purposes and FAA regulations and will be designed so as not to shine upon neighboring properties.

D. Outside Storage: Outside storage of materials is prohibited.

E. Exterior: The applicant will keep the exterior condition of the premises in a neat and orderly condition at all times. The tower and electronic shelters shall be maintained and painted and kept in good repair.

F. Inspection: The applicant shall allow the Village of Fontana representatives to inspect the premises for purpose of determining compliance with the conditional use permit.

G. FAA and FCC Approval: A copy of the FCC approval letter with respect to this facility shall be submitted by the applicant. The Village of Fontana Building and Zoning Department shall verify compliance with FAA regulations.

H. Operation Interference: Operation shall be undertaken so as not to interfere with any other form of wireless communication. In the event any complaints of interference are received, and they are reasonably suspected by a qualified engineer and the Village to be caused by this facility, the Village shall notify the applicant. The applicant shall have 30 days to investigate said complaint(s) and respond to the Village. In the event it is determined that the applicant's facility is the source of interference, the applicant shall have seven days to correct the problem.

5. Future proposed modification to this CUP shall require an amendment submitted, reviewed and approval by the Village of Fontana. The MOTION carried without negative vote.

General Business

Building, Site and Operational Plan Application Filed by Pamela B. Carper, Georgie B's Restaurant, 441 Mill Street, Suite 102

Chairman Spadoni welcomed the Carpers to the community and wished them good luck on behalf of the Village. Spadoni and Poivey complimented the applicants on the excellent quality of their submitted business and operation plans. In response to a question from Spadoni, the applicants stated that they do not have any concerns with the five suggested conditions for approval suggested in the Village staff report. The staff report recommends approval of the BSOP application as submitted with the following five conditions:

1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved signage, and/or any interior remodeling or modifications normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits. Signage shall be constructed and located in accordance with the approved BSOP and Village of Fontana Municipal Code.
2. Approved signage shall consist only of one on-wall sign identification sign 2-feet-by-3-feet (6 square feet) to be located on the north wall and one 43-inches-by10-inches portion of a Group Sign (3 square feet) to be located at the northeast corner of the property (as previously approved in the Precise Implementation Plan for the FairWyn Ltd. Planned Development).
3. The two proposed LED open signs are acceptable as long as they are approved through a PIP amendment, and shall conform with the provisions of the Village of Fontana Municipal Code, including, but not limited to, placement of the proposed signage in windows not facing residential use properties.
4. Any future proposed modifications of this approved BSOP, including, but not limited to signage, shall require Village of Fontana approval in the form of an Amendment to the approved Building, Site and Operational Plan and its conditions.
5. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed.

Hayden-Staggs stated that the signage proposal for the restaurant will have to be addressed in an amendment to the PIP because the entire parcel is zoned Planned Development. O'Connell/President Pollitt 2nd made a MOTION to recommend Village Board approval of the Building, Site and Operational Plan application as submitted with the following five conditions: 1. A complete submittal for building and zoning permits shall be applied for and issued prior to the commencement of construction of and/or installation of any and all of approved signage, and/or any interior remodeling or modifications normally requiring a permit. BSOP approval shall not alleviate the applicant from securing all required permits. Signage shall be constructed and located in accordance with the approved BSOP and Village of Fontana Municipal Code. 2. Approved signage shall consist only of one on-wall sign identification sign 2-feet-by-3-feet (6 square feet) to be located on the north wall and one 43-inches-by10-inches portion of a Group Sign (3 square feet) to be located at the northeast corner of the property (as previously approved in the Precise Implementation Plan for the FairWyn Ltd. Planned Development). 3. The two proposed LED open signs are acceptable as long as they are approved through a PIP amendment, and shall conform with the provisions of the Village of Fontana Municipal Code, including, but not limited to, placement of the proposed signage in windows not facing residential use properties. 4. Any future proposed modifications of this approved BSOP, including, but not limited to signage, shall require Village of Fontana approval in the form of an Amendment to the approved Building, Site and Operational Plan and its conditions. 5. All outstanding cost recovery fees billed to date applicable to this project shall be paid prior to the issuance of any building & zoning permits. This condition does not alleviate the applicant from any cost recovery fees not yet billed. The MOTION carried without negative vote.

Lot Line Adjustment Proposal Filed by Robert Muskat for Two Lots Located off Lower Brookwood Drive

Nyman stated that the proposed lot line adjustment will create two conforming lots and the applicant plans on selling the vacant lot to a relative. Nyman stated that he talked to Robert Muskat and the applicant does not have a concern with any of the eight suggested conditions for approval listed in the Village staff report. In response to a question from Thorpe, Nyman stated that the applicant is aware that as well as Village approval, there also will be surveying and deed recording requirements with the county. The eight conditions for approval suggested in the staff report are:

1. The approved lot line adjustment shall be as depicted on the Plat of Survey dated December 13, 2007 (Abell Surveying & Mapping).
2. The owner/applicant shall confirm there are no easements of record along the existing common lot line, or otherwise, on either proposed lot (i.e., utility, sewer/water), nor any deed restrictions hindering or prohibiting construction on either proposed lot.
3. The owner/applicant shall be made aware that existing landscaping on Lot 1 encroaches into the road right-of-way and may be ordered removed from the right-of-way at any time, at the responsibility and cost of the owner of the property at the time encroachment may be ordered removed.
4. The owner/applicant shall comply with Section 236.34, Recording of certified survey map; use in changing boundaries; use in conveyancing, Wisconsin State Statutes.
5. Any special assessments and taxes shall be paid to the Village of Fontana prior to final approval of the Lot Line Adjustment Application.
6. The owner/applicant shall be responsible for any and all recording fees.
7. The owner/applicant shall be responsible for recording the deed or other appropriate instrument with the Walworth County Register of Deeds within 12 months from the approval date by the Village of Fontana.
8. The owner/applicant shall provide the Village of Fontana with one recorded copy of the deed or instrument and the plat of survey exhibit, within 30 days of recording such document, which will constitute final Village approval of the lot line adjustment.

O'Connell/Poivey 2nd made a MOTION to recommend Village Board approval of the Lot Line Adjustment application as submitted with the following eight conditions: 1. The approved lot line adjustment shall be as depicted on the Plat of Survey dated December 13, 2007 (Abell Surveying & Mapping). 2. The owner/applicant shall confirm there are no easements of record along the existing common lot line, or otherwise, on either proposed lot (i.e., utility, sewer/water), nor any deed restrictions hindering or prohibiting construction on either proposed lot. 3. The owner/applicant shall be made aware that existing landscaping on Lot 1 encroaches into the road right-of-way and may be ordered removed from the right-of-way at any time, at the responsibility and cost of the owner of the property at the time encroachment may be ordered removed. 4. The owner/applicant shall comply with Section 236.34, Recording of certified survey map; use in changing boundaries; use in conveyancing, Wisconsin State Statutes. 5. Any special assessments and taxes shall be paid to the Village of Fontana prior to final approval of the Lot Line Adjustment Application. 6. The owner/applicant shall be responsible for any and all recording fees. 7. The owner/applicant shall be responsible for recording the deed or other appropriate instrument with the Walworth County Register of Deeds within 12 months from the approval date by the Village of Fontana. 8. The owner/applicant shall provide the Village of Fontana with one (1) recorded copy of the deed or instrument and the plat of survey exhibit, within thirty (30) days of recording such document, which will constitute final Village approval of the lot line adjustment. The MOTION carried without negative vote.

Randall Arnedt Seminar May 14, 2008

McHugh stated that the CDA Board will be hosting Randall Arnedt for a seminar on urban core redevelopment planning on Wednesday, May 14, 2008 from 7:00 to 9:00 pm. McHugh stated that the CDA Board members would like the Plan Commission members and as many other officials and residents as possible to attend the seminar. One area of discussion will be the revitalization of the Fontana Boulevard retail area. Hayden-Staggs stated that Arnedt previously hosted a Village seminar on the Tracy residential development. Spadoni stated that the Village staff should make sure to inform the residents of the seminar. McHugh stated that a press release will be distributed to the area newspapers and a story will be posted on the Village website.

Proposed Zoning Code Amendments – Tent Signs & Illuminated Signs

Spadoni stated that he did not yet review the proposed amendments to the signage ordinance in the Village Zoning Code. McCarthy stated that the amendments proposed by staff address some areas of concerns and adds Menu Board and Open Sign definitions and standards to Sections 18-254 and 18-257 of the Municipal Code. Spadoni stated that he checked with the staff members and it will not cause a problem if the Plan Commission members want to review the proposed amendments for one month and discuss the proposal at the April 28, 2008 meeting and possibly set the public hearing for the monthly meeting in May.

O'Connell/President Pollitt 2nd made a MOTION to table the proposed amendments to the Zoning Code, and the MOTION carried without negative vote.

Pending Items for Future Agendas

1. Brick Church Hotel and Spa BSOP Proposal

Adjournment

O'Connell/Poivey 2nd made a MOTION to adjourn at 5:47 pm, and the MOTION carried without negative vote.

Minutes prepared by: Dennis L. Martin, Village Clerk

Note: These minutes are subject to further editing. Once approved by the Plan Commission, the official minutes will be on file at the Village Hall.

APPROVED: 4/28/08